

**Zoning Board of Adjustment Meeting  
June 26, 2013**

**Attendance:** Chairman Kent Lawrence, Dave Sweet, Alternate Jack Steiner, and Cathy Nelson Smith. Absent from the meeting was Alternate Bob Elliott, Judy Hurlbert and Betsy Coes.

Jack Steiner was sworn in as Zoning Board Alternate with a term ending March 2016.

The meeting was called to order at 7:30pm after the arrival of Dave Sweet.

**Rockingham Junction- Map 202 Lot 20.2**

Alex Ross submitted a letter requesting a one year extension of the variance granted to Rockingham Junction on June 27, 2012. As per Newfields Zoning Ordinance article 1.5.1 the variance shall be deemed expired if the use or construction has not commenced within one year from the date of the variance. Alex has not applied for a building permit because he is currently working with the Town of Newmarket to get the necessary permits to move forward on the project. Kent read the decision from June 2012.

Jack stated that there was no new information and this is just a request for an extension of time to get a building permit.

A motion was made by Kent and seconded by Jack to grant an extension on the approvals granted Rockingham Junction. All were in favor and the motion carried.

**Case #13-06-26-01 Rehearing of case # 13-04-24-1-Map 102 Lot 47**

Bill Meserve was present for the rehearing and read his application for variance to raze and rebuild a section of his home at 12 River Road which is located within the Shoreland Protection Zone. Bill stated that his parcel is unique because it is large with 12.12 acres and 1,157 feet of frontage on the river. The abutters are the waste water treatment facility, the river and small residential lots. He intends on diverting water run-off away from the river into a cistern.

1. **Describe the unnecessary hardship created on the property based on the existing zoning ordinances:** The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment. It is reasonable to grant the variance for the owners to improve the property as the existing center structure is structurally and mechanically aged and consists of a footprint that is not practical to remain as it is. The new footprint will result in the structure being moved back further from the protected area. There will be no increased impact on the shoreland protection zone or character of the area. Denying it would result in significant increased costs to the applicant.
2. **Explain how granting the variance will result in substantial justice:** The variance will allow the owner to improve the property without impacting water quality and the general public will realize no increased gain by the denial of a variance.
3. **Explain how a variance would be consistent with the spirit and intent of the ordinance:** The variance will be consistent with the spirit and intent of the ordinance in that the existing building footprint will be minimally increased and measures will be taken to improve building run-off and moving the new center structures further away from the river thus having no impact on the intent of the shoreland protection restrictions.

Article IX-9.1.1 to promote the preservation and maintenance of surface water quality in Newfields.

The quality of run-off from the structure will be improved by the elimination of the existing direct discharge to the river and the redirection of the run off away from the river to a storage and treatment system.

Article IX-9.1.2 to promote and protect aquatic and terrestrial habitat associated with the intertidal and riparian areas.

The structure is located well above the intertidal and riparian areas, approximately 40 vertical feet above the river. The new footprint of the structure will be moved further back from the protected zone, increase minimally in size, and the run-off water quality will be improved.

Article IX-9.1.3 to preserve and enhance those aesthetic values associated with the natural shoreline.

There will be no change to the present aesthetic value of the shoreline as the structure will be restored and layout will remain generally as it currently exists. A buffer strip of natural vegetation, greater than the 75 foot requirement of section 9.4.1, will be maintained along the river.

Article IX-9.1.4 to preserve those uses that can be appropriately located adjacent to the shoreline.

The home has existed since the late 1700's as a residence and farm and will continue to be used in the same manner. There will be no significant increase in the building footprint and measures to enhance building rainwater run-off will be part of the project plan.

4. **Explain how the variance will not result in a diminution in value of surrounding properties:** The value of the property will be increased through the improvement of the existing structure and architecture. The use will remain the same and will not impact the run-off water quality.
5. **Discuss how the variance would not be contrary to the public interest:** The granting of the variance will not alter the character of the locality and the existing structure footprint will be minimally increased. There will be improved containment and treatment of the building run-off with a result of no adverse effect on the public interest.

Kent said the increase in the square footage of the footprint of the addition is roughly the same and is being moved back away from the river. The square footage of the existing structure is 3,707 and after the renovation it would be 3,746 which is a difference of 39 square feet.

Dave Sweet said the increase is 39 square feet which is minimal and the addition is being moved back away from the river. Bill is also adding a stormwater treatment system and diverting run-off away from the river into a cistern.

The Board voted on the five criteria.

1. The variance will not be contrary to the public interest. Yes-4, No-0
2. The spirit and intent of the ordinance is observed. Yes-4, No-

3. Substantial justice is done. Yes-4, No-0
4. The values of surrounding properties are not diminished. Yes-4, No-0
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.  
Yes-4, No-0

The variance was granted.

Kent Lawrence  
Chairman